

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

**MDL No. 1456
Master File No. 01-CV-12257-PBS
Subcategory Case No. 06-11337
Hon. Patti B. Saris**

THIS DOCUMENT RELATES TO:

**Magistrate Judge
Marianne B. Bowler**

*United States of America ex rel. Ven-A-Care of the
Florida Keys, Inc., et al. v. Dey, Inc., et al.,
Civil Action No. 05-11084-PBS*

**DEY PHARMA, L.P., DEY, INC., AND DEY L.P., INC.’S
WITNESS LIST PURSUANT TO FED. R. CIV. P. 26(A)(3)(A)**

Defendants Dey Pharma, L.P. (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc. (collectively “Dey”) hereby disclose, pursuant to Fed. R. Civ. P. 26(a)(3)(A), the witnesses it expects to call, and may call, at trial.¹ Dey reserves the right to call any witnesses identified by Plaintiff the United States of America and Relator Ven-A-Care of the Florida Keys, Inc. (collectively, “Plaintiffs”) on their list of trial witnesses to be called live, the right to add witnesses in response to Plaintiffs’ witness list and/or deposition designations; and the right to name witnesses after the close of Plaintiffs’ case-in-chief. If the Court grants the Plaintiffs’ motion to consolidate, Dey reserves the right to call any witnesses identified by Roxane on their list of trial witnesses to be called live, the right to add witnesses in response to Roxane’s witness list and/or deposition designations; and the right to name witnesses after the close of Roxane’s case-in-chief.

¹ The parties have agreed that they need not list in these disclosures Keeper of the Records witnesses, if any, whose sole purpose would be to authenticate documents under Fed. R. Evid. 901.

I. WITNESSES TO BE CALLED LIVE AT TRIAL

The witnesses Dey may call or will call at trial are listed in the attached Exhibit

A. These witnesses are listed in alphabetical order and not in the order of appearance. Due to the fact that many of the witnesses are out of the district and the fact that the contours of this case are not yet resolved, Dey is not yet able to determine which of its witnesses will testify in person. Consequently, out of an abundance of caution, Dey has designated deposition testimony for certain witnesses who may testify in person. Dey therefore reserves the right to call any witness on this list live, regardless of whether Dey has also designated deposition testimony for the particular witness.

II. DESIGNATION OF WITNESSES BY DEPOSITION TESTIMONY

Below is a list of the witnesses Dey may call to appear through deposition testimony. Dey reserves the right to call any witness to appear live for which it has both designated deposition testimony and has included the witness on its live witness list as “may call.”

Name, Affiliation, Deposition Date
Anderson, Jesse, Oregon Medicaid, 12/16/2008
Avarista, Paula, Rhode Island Medicaid, 12/04/2008
Bahr, Debra, Kentucky Medicaid, 01/29/2008, 01/30/2008
Bassano, Amy, CMS, 11/07/2007
Berenson, Robert, CMS, 12/18/2007
Booth, Charles, CMS, 04/23/2007, 10/29/2007
Bowen, Marianne, CMS, 06/5/2007
Boyd, Dennis, Kentucky Medicaid, 06/04/2008
Bridges, Suzette, Arkansas Medicaid, 12/10/2008, 12/11/2008
Bronstein, Deb, Dey, 03/11/2003
Bruce, Tamara, CMS, 11/06/2008
Bryant, Joseph, CMS, 11/15/2007
Burridge, Craig, PSSNY, 04/22/2008
Buto, Kathleen, CMS, 09/12/2007, 09/13/2007
Campana, David, Alaska Medicaid, 08/19/2008, 08/20/2008, 08/21/2008

Chadwick, Kathy, First DataBank, 10/24/2007
Chang, Debbie, CMS, 04/17/2009
Chapman, Allen, Colorado Medicaid, 12/15/2008
Cheloha, Gary, Nebraska Medicaid, 12/02/2008, 12/03/2008
Chesser, Paul, OIG, 06/24/2008, 10/28/2008
Cioppa, Carl, New York Medicaid, 3/10/10, 3/11/10 (Dey reserves the right to supplement its deposition designations upon receipt of the deposition transcripts of Carl Cioppa, and to call this witness by deposition.)
Cobo, Luis, Ven-A-Care, 01/18/2008, 03/04/2008, 07/31/2008
Collins, Theodore, Wisconsin Medicaid, 10/30/2007, 12/20/2007
Cottrell, Danny, Alabama Medicaid, 08/30/2007
Davis, Myra, Washington Medicaid, 12/03/2008
Decker, Christopher, Wisconsin Pharmacist, 12/11/2006
Denemark, Cynthia, Delaware Medicaid, 12/09/2008, 12/10/2008
DeParle, Nancy-Ann, CMS, 05/18/2007, 12/05/2007
Donovan, Lynn, Hawaii Medicaid, 04/29/2008, 07/20/2009, 08/26/2009
Driver, Rhonda, Missouri Medicaid, 10/18/2007
Dubberly, Jerry, Georgia Medicaid, 12/15/2008
Dudley, Evelyn, Connecticut Medicaid, 05/16/2005, 06/22/2005
Duerr, Gary, Idaho Medicaid, 12/03/2009
Duzor, Deirdre, CMS, 02/27/2008, 03/26/2008, 10/30/2007
Eiler, Cheryl, Administar, 08/26/2008, 08/27/2008, 08/28/2008, 09/23/2008
Erick, Matthew, Cardinal, 06/17/2008, 06/27/2008
Factor, Saul, McKesson, 06/20/2008, 09/04/2008
Farrand, Lise, New Hampshire Medicaid, 10/28/2008
Finch, Mary, Alabama Medicaid, 05/23/2007, 05/24/2007, 08/08/2007, 08/09/2007
Fine, Joseph, Maryland Medicaid, 12/09/2008
Frawley, Stephanie, Alabama Medicaid, 6/26/07
Galles, Todd, Dey, 02/28/2006, 03/01/2006
Gaston, Sue, CMS, 01/24/2008, 03/19/2008
George, Brenda, Alabama Medicaid, 06/12/2008
Gilmore, Gary, Massachusetts Medicaid, 07/26/2007
Gladden, Patricia, Texas Medicaid, 01/15/2009
Gmeiner, Eve, Dey, 01/20/2003
Gorospe, Kevin, California Medicaid, 03/19/2008, 05/06/2009, 09/22/2008, 12/03/2008
Grossman, Steven, Massachusetts Medicaid, 10/24/2007
Gurchiek, Christopher, Dey, 05/03/2002
Gustafson, Thomas, CMS, 09/28/2007, 12/17/2007
Hansen, Tracy, Myers & Stauffer, 12/10/2008, 12/11/2008
Hansford, Cynthia, OIG, 03/14/2007
Harper, Leslie, Texas Medicaid, 01/27/2009
Hautea-Wimpee, Ayuni, Washington Medicaid, 11/24/2008, 12/02/2008
Hayashi, Keith, Virginia Medicaid, 12/04/2008
Helton, Carolyn, CIGNA, 03/13/2008, 10/16/2009
Hillblom, Douglas, California Medicaid, 09/23/2008

Hiramatsu, Aileen, Hawaii Medicaid, 05/01/2008, 05/02/2008, 06/11/2009, 07/14/2009
Homar, Roxanne, Wyoming Medicaid, 12/02/2008
Iversen, Larry, South Dakota Medicaid, 12/15/2008
Jackson, Milton, OIG, 12/12/2008
Jeffrey, Paul, Massachusetts Medicaid, 06/14/2007, 10/19/2007
Jones, Collen, Wyoming Medicaid, 12/03/2008
Jones, Mark, Ven-A-Care, 12/08/2008, 12/09/2008
Joyce, Brendan, North Dakota Medicaid, 12/12/2008
Kenyon, James, Michigan Medicaid, 03/25/2008
Ketchum, Kathy, Oregon Medicaid, 12/15/2008
King, Peggy, West Virginia Medicaid, 11/30/05
Kramer, Sandra, Michigan Medicaid, 03/25/2008
Lasky, Elizabeth - 04/23/2008
Leary, Paul, Idaho Medicaid, 12/01/2009
Mankin, Rebecca, Missouri Medicaid, 10/17/2007
Maxwell, Ann, OIG, 06/10/2009
McCann, Susan, Missouri Medicaid, 10/03/2007, 11/07/2007
McNeill, Martha, Texas Medicaid, 01/13/2009, 01/14/2009, 02/07/2007, 02/08/2007
Minne, Kristen, Redbook, 11/18/2008, 11/19/2008
Molyneaux, Nancy, OIG, 01/11/2007
Morgan, Marcia, Kentucky Medicaid, 10/08/2008
Morgan, Patricia, First DataBank, 01/11/2005, 08/27/2007, 11/30/2007
Morris, Richard, CMS, 08/29/2007
Murphy, Heather, Texas Medicaid, 03/31/2009
Nesser, Nancy, Oklahoma Medicaid, 12/12/2008
Niemann, Robert, CMS, 09/14/2007, 10/11/2007, 11/19/2009
O'Connor, Frank, Delaware Medicaid, 12/10/2008
Oestreich, George, Missouri Medicaid, 11/27/2007, 11/28/2007
Parker, James, Illinois Medicaid, 11/18/2008
Parrella, David, Connecticut Medicaid, 06/03/2005
Poulsen, Dorothy, Montana Medicaid, 02/22/2006
Ragone, Linda, OIG, 04/17/2007, 04/18/2007
Rector, John, NCPA, 07/28/2009
Reed, Charles Joseph, Amerisourcebergen, 08/28/2007
Reed, Larry, CMS, 03/18/2008, 09/26/2007, 09/27/2007, 10/02/2008, 10/22/2008, 11/19/2009, 03/20/2008
Reich, Ron, Cardinal, 06/07/2007
Reid, Robert, Ohio Medicaid, 12/15/2008
Richter, Elizabeth, CMS, 12/07/2007
Ridout, Benny, North Carolina Medicaid, 12/05/2008
Robey, Victoria, CMS, 03/20/2007
Robinson, Mike, Kentucky Medicaid, 02/07/2008
Rosenstein, Stanley, California Medicaid, 05/19/2009, 11/06/2008
Rowlands, Mary, Wisconsin Medicaid, 11/1/07
Rugg, Ann, Vermont Medicaid, 12/15/2008

Scully, Thomas, CMS, 05/15/2007, 07/13/2007
Selenati, Helen, Dey, 05/04/2005, 05/05/2005
Sernyak, Amy, OIG, 03/06/2007
Sexton, Gail, CMS, 05/20/2008
Sharp, Michael, Indiana Medicaid, 03/28/2008
Sharpe, Robert, Florida Medicaid, 06/15/2006, 06/14/2006
Shirley, Carl, Indiana Medicaid, 12/02/2008, 12/03/2008
Squartsoff, Laurie, Nevada Medicaid, 03/06/2006
Steckel, Carol Herrmann, Alabama Medicaid, 03/28/2007, 04/18/2007
Stevens, Robert, New Mexico Medicaid, 12/15/2008
Stone, Robin, Palmetto, 02/28/2008, 02/29/2008, 10/14/2009
Sullivan, Harry, Tennessee Medicaid, 03/12/2008
Tawes, David, OIG, 04/24/2007, 04/25/2007, 12/02/2008, 12/13/2007
Teringer, Kate, Amerisourcebergen, 04/04/2007
Terra, James, California Medicaid, 12/04/2008
Terrebonne, Mary, Louisiana Medicaid, 11/07/2008
Tetkoski, Frank, Maryland Medicaid, 12/11/2009
Thompson, Francis, CMS, 09/30/2008
Tipton, Bruce, Dey, 03/21/2006
Tomlison, Howard, Virginia Medicaid, 11/03/2008, 11/04/2008
Toney, David, Alabama Medicaid, 06/06/2007
Vaccaro, Ed, New Jersey Medicaid, 12/03/2008, 12/02/2008
Vavra, James, Wisconsin Medicaid, 08/16/2007, 09/26/2007, 09/27/2007
Vito, Robert, OIG, 02/05/2008, 02/06/2008, 06/19/2007, 06/20/2007, 12/02/2008
Vladeck, Bruce, CMS, 05/04/2007, 06/21/2007
Walsh, Jude, Maine Medicaid, 03/18/2008
Weeks, Lisa, North Carolina Medicaid, 10/21/2008
Wells, Jerry, Florida Medicaid, 05/25/2005, 05/26/2005, 08/15/2006, 12/15/2004, 12/15/2008, 12/16/2004
Wiberg, Cody, Minnesota Medicaid, 03/14/2008
Young, John, Rhode Island Medicaid, 12/03/2008

Dated: March 16, 2010

Respectfully Submitted,

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and Dey L.P., Inc.*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on March 16, 2010, a copy to LexisNexis File and Serve for posting and notification to all parties.

By: /s/ Sarah L. Reid
Sarah L. Reid